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REGISTRATION SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA (RENO)

ROBERT C. KELLEY and SALLY KELLEY,  
husband and wife,

*Plaintiffs,*

vs.

GENUINE TITLE, BANK OF AMERICA, BAC  
HOME LOANS SERVICING, LP,  
RECONTRUST COMPANY, and MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., FIRST CENTENNIAL TITLE CO. OF  
NEVADA aka JLM TITLE CO., LLC, MET  
LIFE GROUP, INC., JOHN L. MATTHEWS,  
TIMOTHY BARTOSH, AMERICA'S  
SERVICING COMPANY,

*Defendants.*

Case No. 3:10-cv-00192-RCJ-VPC

**DEFENDANT MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.'S NOTICE OF  
FILING NOTICE OF TAG-ALONG  
ACTIONS WITH THE JUDICIAL  
PANEL ON MULTIDISTRICT  
LITIGATION**

Defendant Mortgage Electronic Registration Systems, Inc. ("MERS"), through its undersigned attorneys, hereby notifies this Court that on April 8, 2010, MERS filed a Notice of Tag-Along Actions ("Notice") with the Judicial Panel on Multidistrict Litigation ("the MDL Panel") pursuant to Rule 7.2(i) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation for this and two other actions. As required by J.P.M.L. Rule 5.12, a copy of the Notice is attached.

DATED: April 9, 2010

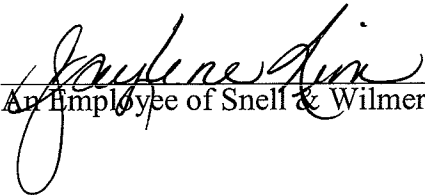
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By: /s/ Erica J. Stutman

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2010, I electronically filed the foregoing MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.'S NOTICE OF FILING NOTICE OF TAG-ALONG ACTIONS WITH THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION using the CM/ECF system which will send a notice of electronic filing to all parties as listed on the Notice of Electronic Filing.

  
An Employee of Snell & Wilmer L.L.P.

**Snell & Wilmer**

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**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**In Re:**

**MERS Litigation**

**MDL Docket No. 2119**

**NOTICE OF TAG-ALONG ACTIONS**

Pursuant to Rules 7.4 (b) and 7.5 (e) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendants Mortgage Electronic Registration Systems, Inc. and MERSCORP, Inc. (collectively, “MERS”) hereby notify the Clerk of the Judicial Panel on Multidistrict Litigation (“the Panel”) of the following three additional “tag-along actions” recently filed in the United States District Court for the District of Nevada on behalf of individual plaintiffs.

- *Robert J. Funk v. Washington Mutual Bank, F.A., et al.*, Case No. 3:10-cv-00182-RCJ-VPC (The *Funk* Complaint, without exhibits, is attached as Exhibit A.)
- *Duane J. Sanchez v. Homecoming Financial Network, Inc., et al.*, Case No. 3:10-cv-00184-RCJ-VPC (The *Sanchez* Complaint, without exhibits, is attached as Exhibit B.)
- *Robert C. Kelley, et al. v. America’s Servicing Company, et al.*, Case No. 3:10-cv-00192-RCJ-VPC (The *Kelley* Complaint, without exhibits, is attached as Exhibit C.)

The liability alleged in these three tag-along actions is predicated on theories related to the operation or formation of MERS, and thus they involve common questions of fact.<sup>1</sup> Accordingly, MERS respectfully requests that the Panel utilize its transfer procedures to transfer these actions to the District of Arizona.

April 8, 2010

Respectfully submitted,

By Natalia M. Brochin (for RMB w/ permission)

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Mortgage Electronic Registration Systems, Inc.*

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<sup>1</sup> On December 7, 2009, the Panel found that the Putative Class Actions involve “common questions of fact and that centralization under Section 1407 in the District of Arizona will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation.” Certified MDL Transfer Order (“Transfer Order”) at 2. Specifically, the Panel found that “[t]his litigation concerns the MERS system, an electronic mortgage registrations system and clearinghouse that tracks beneficial ownership interests in, and servicing rights to, mortgage loans. Plaintiffs allege, *inter alia*, that the members and/or shareholders of MERSCORP and its subsidiary MERS conspired to establish the MERS system—an electronic system for registering mortgages—as a means by which to intentionally hide from plaintiffs the true identity of the actual beneficial owners of negotiable promissory notes. All actions arise, in part, from allegations concerning the formation and operation of the MERS system. Centralization under Section 1407 will eliminate duplicative discovery, prevent inconsistent pretrial rulings (including with respect to class certification), and conserve the resources of the parties, their counsel and the judiciary. All actions possess a common factual core regarding allegations that the various participants in MERS formed a conspiracy to commit fraud and/or that security instruments are unenforceable or foreclosures are inappropriate due to MERS’ presence as a party.” *Id.* Likewise, these three actions also involve common questions of fact in that alleged liability in these actions is predicated on theories related to the operation or formation of MERS.

**PROOF OF SERVICE**

I, Robert M. Brochin, hereby certify that on April 8, 2010, the original and three copies of the foregoing NOTICE OF TAG-ALONG ACTIONS were filed with the Judicial Panel on Multidistrict Litigation. I further certify that a copy of the foregoing Notice was served via Electronic Mail on each of the parties listed below, and that a copy was served via First-Class Mail on each of the parties listed on the October 20, 2009 Panel Service List who do not indicate an email address. A copy of the October 20th Panel Service List is attached hereto.

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**Judicial Panel on Multidistrict Litigation - Panel Service List  
for  
MDL 2119 - IN RE: Mortgage Electronic Registration Systems (MERS) Litigation**

**\*\*\* Report Key and Title Page \*\*\***

Please Note: This report is in alphabetical order by the last name of the attorney. A party may not be represented by more than one attorney. See Panel rule 5.2(c).

**Party Representation Key**

- \* Signifies that an appearance was made on behalf of the party by the representing attorney.
  - # Specified party was dismissed in some, but not all, of the actions in which it was named as a party.
- All counsel and parties no longer active in this litigation have been suppressed.

**This Report is Based on the Following Data Filters**

Docket: 2119 - Mortgage Electronic Registration Systems (MERS)  
For Open Cases



**Judicial Panel on Multidistrict Litigation - Panel Service List**

Docket: 2119 - IN RE: Mortgage Electronic Registration Systems (MERS) Litigation

Status: Pending on / /

Transferee District: Judge:

Printed on 10/20/2009

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Note: Please refer to the report title page for complete report scope and key.

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Note: Please refer to the report title page for complete report scope and key.

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